

House Bill 214  
February 3, 2015  
Presented by Jim Kropp  
House Judiciary Committee

Mr. Chairman and committee members, I am Jim Kropp, Chief of Law Enforcement for the Department of Fish, Wildlife and Parks (FWP). I am here today on behalf of the Director in support of House Bill 214.

In 1959, Montana enacted law that prohibited the operation of any motorboat or vessel, or manipulation of any water-skis, surfboard, or similar device while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana. Enforcement of this prohibition is difficult because the law does not require a person suspected of BUI to submit to the necessary blood alcohol tests, nor does it authorize an officer to take any action if the person refuses to submit to a Breathalyzer test. This gap creates a serious public safety problem.

The number of registered boats in Montana has significantly increased since 1959 and we do not see the upward trend changing. Technological advancements have resulted in new and very different varieties of watercraft that are capable of traveling at greater speeds. Montana averages around 20 reported boating accidents each year. The actual number is probably much greater. Coast Guard Statistics indicate that alcohol is involved in one third of all recreational boating fatalities nationwide.

Better enforcement of BUI laws is not merely an issue of safety on the water. Many boaters trailer their boat to where they recreate. If a boater is operating a boat under the influence, they may also be operating their vehicle under the influence on the way home, with boat in tow. HB 214 will make motorboats and sailboats over 12 feet in length a vehicle as it pertains to driving under the influence laws with one exception:

- A person who refuses to submit to alcohol testing will not have their drivers license revoked but the court shall:
  - Order the person not to operate a vessel for 1 year; and
  - Impose a civil penalty of \$500.00
  - If civil penalty is not paid within 1 year, an additional year of not operating a vessel and contempt of court may be imposed.

Along with increased enforcement and education of the boating public about these new laws, we believe this bill will act as a deterrent to operating under the influence and thus, increase public safety. We urge your support of HB 214, and will be available for questions.